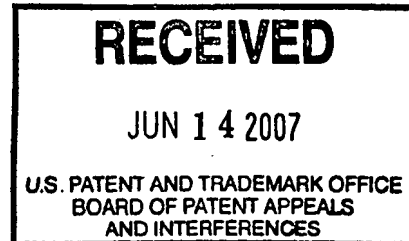


**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants:	Robertson, S.
Serial No.:	09/324,601
Title of Invention:	System and Method for Providing Electronic Multi-Merchant Gift Certificate and Contribution Brokering Services Over a Distributed Network
Filing Date:	06/02/1999
Group Art Unit:	3625
Examiner:	Fadok, M.
Attorney Docket No.:	ROBERT.P001



Seattle, Washington 98109
June 14, 2007

Mail Stop Appeal Brief - Patents
COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF SUPPLEMENTAL EVIDENCE APPENDIX

Applicant herewith transmits, as requested by Mr. Vasko^c Harper, a supplemental evidence appendix, together with copies of the two Rule 131 declarations listed thereon. Applicant notes that these declarations are already on the PTO record as provided in PAIR, and have therefore been available to the Board at all times without this appendix. Applicant also notes that the Examiner has dropped the grounds of rejection that necessitated reliance upon these declarations as evidence in this appeal, and Applicant therefore was not aware of any requirement to supply them as evidence until Mr. Harper's communications.

Respectfully submitted,

PATRICK MICHAEL DWYER
Reg. No. 32,411

(206) 550-4049
P001-transSupEvidApx.wpd

Patrick M Dwyer PC
1317 Sixth Avenue N, Suite 404
Seattle, WA 98109

SUPPLEMENTAL EVIDENCE APPENDIX (37 CFR 41.37 (c)(1)(ix))

1. DECLARATION OF STEVEN C. ROBERTSON UNDER RULE 131(b) dated July 14, 2003
2. SECOND DECLARATION OF STEVEN C. ROBERTSON UNDER RULE 131(b) dated May 14, 2004



#18 Dedar
119
PATENT 820703

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Robertson, S. Examiner: Fodok, M.
Serial No.: 09/324,601 Group Art Unit: 3625
Filing Date: 06/02/1999 Attorney Docket No.: ROBERT.P00
Title of Invention: System and Method for Providing Electronic Multi-Merchant Gift
Certificate and Contribution Brokering Services Over a Distributed
Network

Seattle, Washington 98109
July 14, 2003

TO THE COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, VA 22313-1450

DECLARATION OF STEVEN C. ROBERTSON UNDER RULE 131(b)

Steven C. Robertson declares:

1. I am over the age of 18, and competent to testify in this matter. I am the inventor
in this case.

2. At least as early as March 9, 1999 I realized while working in Kent, Washington
USA the details of a system for providing an electronic gift certificate service for users over a
distributed network. The gift certificate would have a plurality of merchant sites connected to the
distributed network, each merchant site running at least one application to provide an online
service to users over the distributed network; a plurality of user computers connected to the
distributed network, each user computer running at least one application to access the online
service at a merchant site; a gift certificate authority site connected to the plurality of merchant
sites, the gift certificate site including a user database and a merchant database, each database
containing authentication information as to respective users and merchants, the users accessing the
merchant sites from the user computers over the distributed network; a database which stores gift

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GROUP 3600

certificate data and transaction data related to particular gift certificates; and an authentication protocol for allowing the gift certificate site to authenticate users and merchants.

3. In addition at least as early as March 9, 1999 I realized while working in Kent, Washington USA the details of a method for a user to purchase a gift certificate from an on-line gift certificate service. The method had the steps of: user enters a desired dollar amount to be applied to the gift certificate; user enters a user-selected PIN for authentication in a gift certificate redemption process; user provides payment information to gift certificate site for purchasing the gift certificate; gift certificate site validates user payment information; and user receives an order confirmation, including a unique gift certificate identification code.

4. I conceived of this system and method and reduced much of it to writing in a lab notebook that I have kept. As representative of, and evidence of, my conception and reduction to practice of the invention I claim, I have attached pages 19-24 and 27 from notebook #1 for this project of mine, with pages dated from 3/9/99 to 3/13/99.

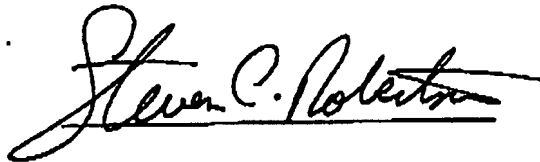
5. I immediately got in touch with Gale Hurley and explained to her my vision for the gift certificate system and method, just as set forth above, and on 3/11/99 began showing her the pages of the notebook. I did not have her witness the pages formally until 5/9/99 and 5/11/99.

6. I continued ironing out bugs and making needed improvements through 6/2/99 when I filed my patent application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and

that such willful false statements may jeopardize the validity of the accompanying application or any patent issued thereon.

DATED July 16, 2003

A handwritten signature in cursive script, reading "Steven C. Robertson", written over a horizontal line.

Steven C. Robertson

Page No. ②

note: Originally conceived of this idea late at night in a dream on the evening of March 9, 1999.

purpose: The purpose of this invention is to allow individuals and/or companies to purchase gift certificates for themselves or as gifts to other individuals that can be used electronically to allow shoppers to purchase items anonymously from participating Merchant Web Sites.

description: Online gift certificates are purchased from a central trusted authority and can be used at any participating merchant Web Site without providing personal information except shipping information unless the individual decides to provide additional information.

A condition for merchant participation is that they accept these gift certificates as payment and not require any additional information from the shopper except shipping information. They may ask the shopper additional information if it is obvious to the shopper that the information is optional and not required for the purchase. In addition, the merchant agrees to not store the shopper's shipping address in any manner except as a transaction record. Furthermore, the merchant must agree that no reporting processes will use the transaction except for fraud detection suspected of the shopper. This is to prevent marketing information being collected on an individual unless they agree to it. This protects the privacy of the individual which is a large concern of many online shoppers.

Purchaser of gift certificate would provide all financial information necessary to protect against fraud to the Gift Certificate Issuing Authority. Purchaser would also provide a PIN # (Personal Identification #) to be associated with the corresponding online gift certificate. This online gift certificate would have a unique identifier associated with it.

Reviewed & Understood by me,

Iale K. Hurley

Date

5/9/99

Invented by

Steven C. Roberts

Recorded by

Steven C. Roberts

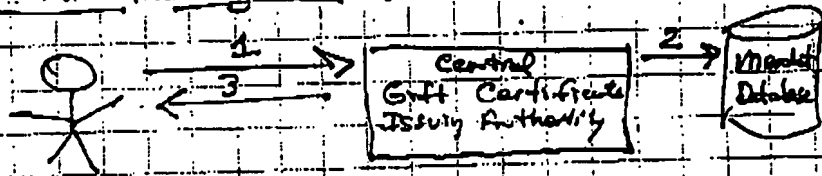
Date

3/11/99

Page No. 20

Page No. 19

Sketch

Merchant Registration Process

1) Merchant Visits Gift Certificate Issuing Authority Home Page and clicks on a link to be shown profile form. The merchant enters profile information along with a password that will be used by the merchant's ~~online E-commerce system~~ ^{or 3/4/99} for any future updates to their profile.

2) The merchant's Profile information is stored in the Merchant database.

3) An email notification is sent to the email address associated with the merchant's profile. This email notification provides the merchant with their profile information so that they can verify that it is correct and also provides their newly assigned Merchant ID and access password, which is automatically generated by the Central Gift Certificate Authorities System upon validation of the merchant. This email would also provide the technical details on the interface between the merchant's system and the system of the Central Gift Certificate Authority.

Definition: E-Certificate™ - gift certificate issued by Central Gift Certificate Authority that can be used by an anonymous Shopper at Participating merchants.

To Page No. 2

Witnessed & Understood by me,

Molly K. Hurley

Date

5/9/99

Invented by

Recorded by

Steven C. Robit

Date

3/4/99

Project No. 03/11/99-1Book No. 7

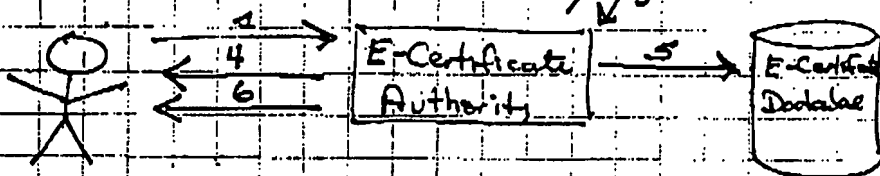
27

Page No. 20

Sketch (cont.)

E-Certificate Purchase Process

Credit Card Clearing House



- 1) Individual visits E-Certificate Authority Home Page and clicks on a link to be shown a form whereby they can purchase an E-certificate. The individual would then provide financial information such as credit card type, name on credit card, credit card number, credit card expiration month, and credit card expiration year. They would also provide a PIN # (Personal Identification Number) that would be associated with the use of the E-certificate. Also an email address & Dollar Amount.

After checking the "Submit" button on the form page, some initial checking is performed on the client computer prior to posting the information to the server. The code on the client computer would first check the prefix of the credit card number against the selected credit card type (eg. VISA with '16'). If this passes, a mod 10 check is performed on the number to determine if the credit card number is a legitimate number for that credit card. The mod 10 check is a known process in the industry so will not be documented here. If the check fails they are shown an error message. Otherwise, the process continues.

- 2) The credit card information is sent to a Credit Card Clearing House to validate that the card is active and associated with the correct information.

To Page No. 22

Reviewed & Understood by me,

Mike K. Nuland.

Date

5/9/99

Invented by

Stan G. Nuland

Date

3/11/99

Project No. 0311/999-1

Book No. 1

TITLE Online Gift Certificate Broker

Page No 21

atch (cont.)

3) The Credit Card Clearing House sends back a valid or invalid card and status reason codes.

4) Depending upon the status that is received from the Credit Card Clearing House, one of the following screens is displayed.

- A) Credit Card Error Page (if invalid status)
- B) Credit Card Approved.

5) If the credit card charge is approved, then the corresponding information is stored along with a newly assigned E-certificate number and user-defined PIN # in the E-certificate database.

6) Once the order is committed (charged by Credit Card Clearing House and stored in E-certificate database), then an email notification is sent to the individual with the date & time of purchase along with the E-certificate unique number that was ^{automatically} assigned and the user-assigned PIN # to the email address provided as part of the purchase process.

Note: Requiring an email address to send information to rather than provide the information on a screen during the user session with the E-registry site is an additional security measure to guard against credit card fraud.

To Page No 23

Witnessed & Understood by me,

11/11/99

Date

5/9/99

Initiated by

Steven C. Roberts

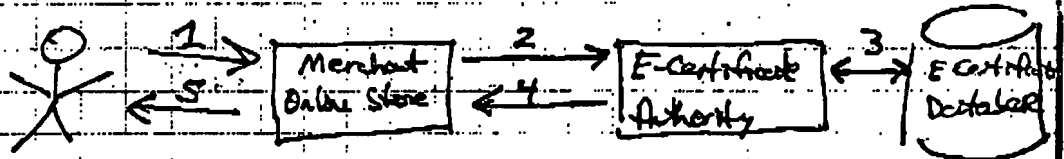
Date

3/11/99

Online Gift Certificate Broker

Page No. 23

Sketch (cont.)

E-Certificate Usage Process

- 1) Individual visits a participating merchant's online store. After browsing and selecting of items to purchase, they elect to checkout. As part of the checkout process, they are required to give their shipping address, Gift Certificate #, and PIN #. As mentioned earlier, any other information is strictly optional.

In addition, participating merchant's must display the E-Certificate button on their checkout page. This button links the individual to the E-Certificate Authority Home Page. The checkout page must also use HTTPS for security purposes.

- 2) Merchant's system sends the appropriate Gift Certificate # and corresponding PIN # to the E-Certificate Authority for validation. As part of the transmission, a merchant ID and password is also sent in an encrypted form using the Secure Internet Protocol HTTPS. Also, the requested dollar amount.
- 3) The E-Certificate Authority then queries its E-Certificate Database to determine if the correct PIN # was associated with the specified Gift Certificate #.
(See Diagram 1 for Details)
- 4) Depending upon the tests performed in Diagram 1, a status message is returned to the Merchant's system.
- 5) If the status was "Accepted", then the merchant completes the checkout process. Otherwise, they display an error message indicating that the Gift Certificate was not accepted. This error page may forward the Customer Service Page & E-Certificate To Page No. 24

Reviewed & Understood by me,

A. P. K. N. Rao

Date

6/9/99

Inventor by

Sham C. Noleto

Date

2/12/99

Project N 03111999-1Book No. 1

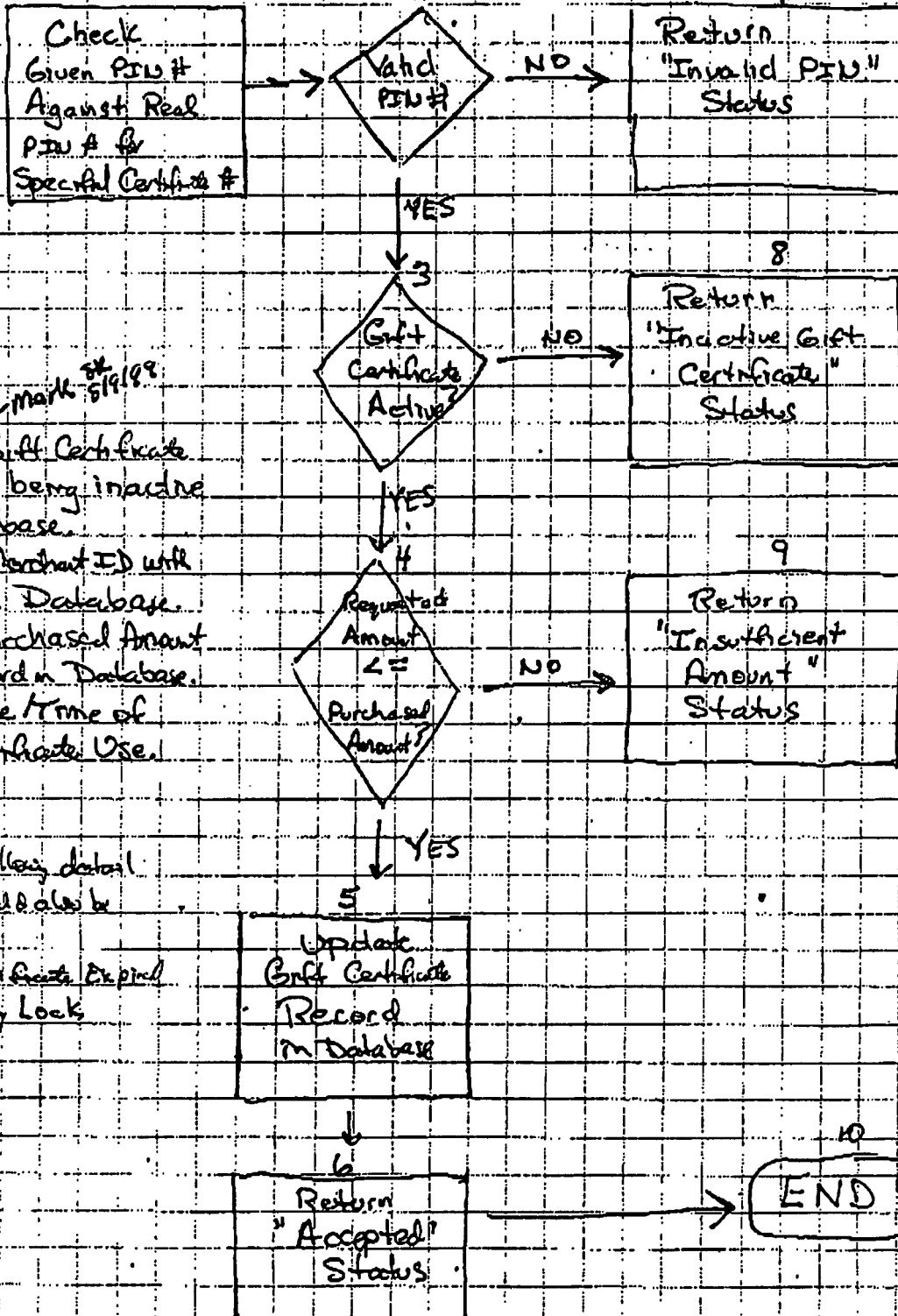
TITLE

Online Gift Certificate Brokern Page No. 23

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Diagram #1: Gift Certificate Validation Process



Step # 5 Mark # 5/11/99

- Mark Gift Certificate Status as being inactive in Database.
- Store Merchant ID with record in Database.
- Store Purchased Amount with record in Database.
- Store Date / Time of Gift Certificate Use.

Step # 8

One of the following details statuses would also be returned:

- 1) Gift Certificate Expired
- 2) Security Lock

To Page No. 25

Reviewed & Understood by me,

M. L. K. R. S. S.

Date

5/1/00

Invented by

S. C. R. S. S.

Date

3/13/99

Project No. 0311999-1Book No. 1

27

Online Gift Certificate BrokerPage No. 26Possible Novel Features:

- 1) This invention would allow anonymous shopping rather than providing credit card information to multiple merchants.
- 2) Use of ^{Gift} Certificate # / Pin # combination to purchase items from a merchant ^{without} ~~without~~ ^{SK} ~~SK~~ ^{slip} ~~slip~~ having to supply financial information and without having to form a prior relationship.
- 3) Generic Gift Certificate that can be used at any participating merchant.
- 4) Trusted Broker performing financial relationship with merchant on behalf of shopper.
- 5) Online Merchants allowing anonymous shoppers to purchase items.

Closest Known Prior art:

Amazon.com has online gift certificates for their E-Commerce site, but these can't be used at other merchant's sites. In addition, the purchaser must provide confidential financial information to purchase these items. During the use of the certificate, the transaction will be tied back to the purchaser for marketing purposes. Thus, the shopper is not shopping anonymously unless the gift certificate was purchased by someone else.

Advantages:

- 1) Financial information is given to a single entity - that of E-Certificate Issuing Authority.
- 2) Increased Security due to not having to give financial information to every online merchant where the individual would like to make a purchase.
- 3) Ability to use certificate at any participating merchant rather than single merchant.
- 4) Ability to give to another individual as a gift or award.
- 5) Provides ability for anonymous shopping, thus protecting privacy.

To Page No. 28

Reviewed & Understood by me,

M. H. K. H. D.

Date

5/11/99

Invented by

Steven C. Roberts

Date

3/12/99



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Robertson, S. Examiner: Fadok, M.
Serial No.: 09/324,601 Group Art Unit: 3625
Filing Date: 06/02/1999 Attorney Docket No.: ROBERT.P00
Title of Invention: System and Method for Providing Electronic Multi-Merchant Gift
Certificate and Contribution Brokering Services Over a Distributed
Network

Seattle, Washington 98109
May 14, 2004

TO THE COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, VA 22313-1450

SECOND DECLARATION OF STEVEN C. ROBERTSON UNDER RULE 131(b)

Steven C. Robertson declares:

1. I am over the age of 18, and competent to testify in this matter. I am the inventor in this case.

2. At least as early as March 9, 1999 I realized while working in Kent, Washington USA the details of a system for providing an electronic gift certificate service for users over a distributed network. The gift certificate would have a plurality of merchant sites connected to the distributed network, each merchant site running at least one application to provide an online service to users over the distributed network; a plurality of user computers connected to the distributed network, each user computer running at least one application to access the online service at a merchant site; a gift certificate authority site connected to the plurality of merchant sites, the gift certificate site including a user database and a merchant database, each database containing authentication information as to respective users and merchants, the users accessing the merchant sites from the user computers over the distributed network; a database which stores gift certificate data and transaction data related to particular gift certificates; and an authentication protocol for allowing the gift certificate site to authenticate users and merchants.

3. In addition at least as early as March 9, 1999 I realized while working in Kent, Washington USA the details of a method for a user to purchase a gift certificate from an on-line gift certificate service. The method had the steps of: user enters a desired dollar amount to be applied to the gift certificate; user enters a user-selected PIN for authentication in a gift certificate redemption process; user provides payment information to gift certificate site for purchasing the gift certificate; gift certificate site validates user payment information; and user receives an order confirmation, including a unique gift certificate identification code.

4. I conceived of this system and method and reduced this conception to writing in a lab notebook that I have kept. As representative of, and evidence of, my conception and reduction to practice of the invention I claim, I previously attached, in my first Declaration in this case, pages 19-24 and 27 from notebook #1 for this project of mine, with pages dated from 3/9/99 to 3/13/99.

5. I immediately got in touch with Gale Hurley and, over the course of time between 3/11 and 5/9/99, I created work sessions with her to review and discuss the above referred to notebook pages and my vision for the gift certificate system and method, just as set forth above. These reviews with Ms. Hurley were invaluable to me in beginning to flesh out the ideas as I had conceived them, and in testing my hypotheses and proving them valid to my satisfaction, so as to bring them to the level disclosed in my application.

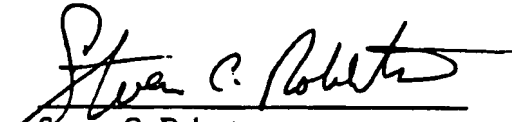
6. In about the middle of March 1999, while I was also still mentally fleshing out my conceptions in discussion with Ms. Hurley, and in other work further described below, I began the preparation of my own patent application on this technology, acting as my own agent. Many of my early draft patent application files and my working data model and data flow diagrams and html prototype pages, as well as object models, mindmaps, user interface designs and the like, created by me in the March to early May 1999 time frame, have since been lost in a subsequent hard drive failure. However, I did continue to iron out bugs in my thinking about the actual

practice of my invention, and to make needed improvements in my patent application right through 6/2/99 when I filed it with the USPTO.

7. What I can document at present that I spent at least the following times on preparation and revision of specification and drawings for the application I filed June 2, 1999 (see attached copy of spreadsheet page used to keep track of my time during that period): 5/21 4 hours on the spec; 5/22 2 hours on the spec, 0.5 hour on diagrams; 5/29 1 hour on the spec, 8 hours diagrams; 5/30 4 hours on the spec; 5/31 2 hours on the spec; 6/1 and 6/2 1 hour each on the spec. I have thus established that I worked diligently on bringing my conceptions to fruition, all as now set forth in my 1999 application, and that I worked on both the practice of the technology and the preparation of my own patent application continuously from my conception in March 1999 until I filed my application in June.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the accompanying application or any patent issued thereon.

DATED May 16, 2004


Steven C. Robertson

Harper, Vasco

From: Patrick M. Dwyer [pmdwyer@earthlink.net]
Sent: Thursday, June 14, 2007 11:29 AM
To: Harper, Vasco
Subject: RE: Appeal Brief Ser No 09/324,601 - ROBERT.P001

Attachments: P001-tranSupEvidApx.pdf; P001-SuppEvidApx.pdf; P001-131-071403.pdf;
P001-131-051404.pdf



P001-tranSupEvidApx.pdf (69 KB...)



P001-SuppEvidApx.pdf (12 KB)



P001-131-071403.pdf (706 KB)



P001-131-051404.pdf (204 KB)

Mr. Harper

Attached please find a pdf printed transmittal of supplemental evidence appendix, to which is also attached the pdf printed supplemental evidence appendix you have requested, as well as pdf copies of the two Rule 131 declarations.

Applicant notes that these declarations are already on the PTO record as provided in PAIR, and have therefore been available to the Board at all times without this appendix. Applicant also notes that the Examiner has dropped the grounds of rejection that necessitated reliance upon these declarations as evidence in this appeal, and Applicant therefore was not aware of any requirement to supply them as evidence until your communications.

Thank you for your courtesies.

Patrick Dwyer

At 08:24 AM 6/7/2007, Harper, Vasco wrote:

>Mr. Dwyer I was still waiting for a Supplemental Evidence Appendix,
>listing the two Rule 131 Declarations (and any other evidence) and
>copies of same. that was entered that you are relying on in the appeal
>of Appeal no. 2007-1813 * SN 09/324,601. A single sheet of paper with
>the heading "Supplemental Evidence Appendix" listing the evidence and
>copies thereof will suffice. You can email (PDF) me the appendix at
>this email or fax it to me at 571-273-0300. I will have to remand to
>the examiner if not received by next week.
>
>

Patrick M Dwyer PC
1317 Sixth Avenue N, Suite 404, Seattle WA 98109
Cell: 206 550-4049

